

**DECLARATION AND POWER OF ATTORNEY**

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

SYNERGISTIC EFFECTS OF TAGATOSE AND OLIGOSACCHARIDES ON MOUTHFEEL AND CREAMINESS IN DAIRY PRODUCTS

the specification of which is attached hereto unless the following box is checked:

☒ was filed on: *March 29, 2004* as United States Application Number *10/812,204* and was amended on(if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is known by me to be material to patentability as defined in Title 37, Code of Federal Regulations § 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119 (a)-(d) or § 365 (b) of any foreign application(s) for patent or inventor's certificate, or § 365 (a) of any PCT International Application which designated at least one country other than the United States, listed below and have also identified below any foreign application for patent or inventor's certificate, or PCT International application having a filing date before that of the application on which priority is claimed:

PRIOR FOREIGN APPLICATION(S)

NUMBER	COUNTRY	MONTH/DAY/YEAR/FILED	PRIORITY CLAIMED

I hereby claim the benefit under Title 35, United States Code § 119 (e) of any United States provisional application(s) listed below:

APPLICATION NUMBER	FILING DATE

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s), or § 365 (c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information which is known by me to be material to patentability as defined in Title 37, Code of Federal Regulations § 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application:

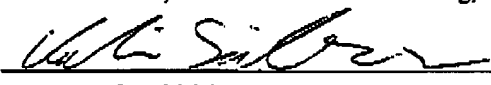
APPLICATION SERIAL NO.	FILING DATE	STATUS: PATENTED, PENDING, ABANDONED

I hereby appoint as my attorneys, with full powers of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith: Gregory N. Clements, registration no. 30,713, Cathy R. Moore, registration no. 45,764 as well as Klaus Schweitzer with Limited Recognition under 37 C.F.R. § 10.9(b).

Address all correspondence to ProPat, L.L.C., 425-C South Sharon Amity Road, Charlotte, North Carolina 28211, Attention: Klaus Schweitzer. Address telephone communications to Klaus Schweitzer at (704) 365-4881.

Attorney Docket No. 04/011 NUT

I FURTHER DECLARE THAT all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Name of inventor	Katrin SAELZER
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Inventor's signature	
Date	April 16, 2004

Office Address for the Inventor:	Nutrinova Nutrition Specialties & Food Ingredients GmbH Brueningstrasse 50 65929 Frankfurt am Main Federal Republic of Germany
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